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DIRECTOR OF CENTRAL INTELLIGENCE

**Security Committee**

SECOM-D-100

4 May 1984

MEMORANDUM FOR THE RECORD

SUBJECT: PFIAB Meeting on Unauthorized Disclosures, 3 May 1984

1. On 3 May 1984, DCI Casey met with the President's Foreign Intelligence Advisory Board. Members present were Vice Chairman Leo Cherne (presiding), Messrs. John S. Foster and Edward Bennett Williams and Dr. Albert Wheelon.

2. The DCI told the PFIAB of his mounting concern about unauthorized disclosures, using the list of 16 most serious intelligence leaks of 1984 to illustrate the gravity of the situation. He also cited the frustration of the Director of the Federal Bureau of Investigation with the apparent lack of resolve to follow leak investigations through to the identification of the perpetrators of unauthorized disclosures.

3. Mr. Williams commented that investigating leaks from the government side, which involves a large number of possible suspects, is unproductive. He suggested that it would be more effective to go to the one individual who obviously knows how the leak happened, the reporter. He pointed out that there is no legal basis for the alleged journalistic privilege to refuse to identify a source.

4. Mr. Cherne suggested that jailing a reporter for contempt tends to make a martyr of the journalist. Dr. Wheelon recalled that the New York Times had been assessed a daily fine of more than \$1000 in a case where a Times reporter had refused to identify a source. After several days, the amount of the fine was substantial and the Times reporter revealed to the court the identity of his source.

5. Mr. Foster suggested that some of the recurring proposals for combating leaks probably have merit, and should be tried, in conjunction with an effort to bring a reporter before a grand jury and require him to reveal the source of a classified disclosure.

6. There was discussion of the political risk involved in taking drastic action affecting the news media during an election year.

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7. Mr. Casey reminded the members of the collapse of NSDD-84 in the face of severe media criticism. He pointed out that the NSDD was the strongest presidential statement ever made against unauthorized disclosures, yet the Congress took action to disable it, after the media mounted a concerted attack upon it.

8. The remainder of the discussion on unauthorized disclosures centered around ways to marshal congressional support for measures to stop unauthorized disclosures, including possible legislation to make it illegal for newsmen to receive classified documents. Mr. Williams characterized such a transaction as the receipt of stolen property.

  
Chairman, DCI Security Committee

Prepared by: SECOM  /mm/AMav84  


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